

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Steven M. Vartabedian, Acting Presiding Justice; Honorable Rebecca A. Wiseman, Associate Justice; Honorable Gene M. Gomes, Associate Justice; and Leisa V. Biggers, Clerk/Administrator, by Robert Abilez, Senior Deputy Clerk.

F048013 People v. Fanady

Cause called and argued by Phillip M. Brooks, Esq., counsel for appellant and by Lewis A. Martinez, Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

Court recessed until Monday, December 11, 2006, at 1:45 P.M.

The court reconvened in its courtroom at 1:45 P.M. Present: Honorable Steven M. Vartabedian, Acting Presiding Justice; Honorable Rebecca A. Wiseman, Associate Justice; Honorable Gene M. Gomes, Associate Justice; and Leisa V. Biggers, Clerk/Administrator, by Shandra Santana, Deputy Clerk.

F050117 Friends of the Sierra Railroad v. Tuolumne Park and Recreation District et al.

Cause called and argued by Sabrina V. Teller, Esq., counsel for appellant and by Jerome L. Levine, Esq., counsel for respondents.

Cause ordered submitted.

F047855 People v. Ybarra et al.

Cause called and argued by Scott Concklin, Esq., counsel for appellant Ronald E. Ybarra and by Peter Thompson, Deputy Attorney General, counsel for respondent. Sharon Wrubel, Esq., counsel for appellant Hugo Cernas waived oral argument.

Cause ordered submitted.

Court recessed until Tuesday, December 12, 2006, at 1:30 P.M.

F049523 People v. Rayo

The above-entitled case is submitted for decision.

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

- F049523** **People v. Rayo**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F050742** **People v. Winston**
The above-entitled case is submitted for decision.
- F050742** **People v. Winston**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F048285** **People v. Carter**
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.
- F050050** **In re C. G., et al.**
The judgment is reversed and the matter remanded for further proceedings. Cornell, J.
We concur: Harris, Acting P.J.; Dawson, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F047243** **People v. Cumberworth et al.**
The judgment is reversed. Cornell, J.
We concur: Harris, Acting P.J.; Dawson, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F050377** **People v. Victor C.**
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

F050377 People v. Victor C.

The judgment is affirmed with modifications.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F051151 In re Bruce M., a Minor

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

Pursuant to rule 30.3, California Rules of Court, it is further ordered that the remittitur issue forthwith.

F049796 People v. Velasquez

Appellant's petition for rehearing filed herein is denied.

F049233 People v. Prieto

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F049233 People v. Prieto

Prieto's sentence is vacated and the matter is remanded to the trial court for the limited purpose of allowing the court to decide whether to impose or strike Prieto's two prior prison term enhancements and to allow Prieto the opportunity to make a motion to reduce his assault conviction to a misdemeanor. After addressing these issues, the court shall re-sentence Prieto in accord with the principles expressed herein, issue an abstract of judgment that correctly memorializes Prieto's convictions and sentence, and forward a certified copy to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed. .

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F050323 People v. Lent

The above-entitled case is submitted for decision.

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F050323 People v. Lent

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F051254 County of Fresno v. Simmons, Sr.

Appellant having failed to perform the acts necessary to procure the record after the clerk of the trial court issued notice pursuant to the provisions of rule 8(a)(1), California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F050681 In re Jessica R., a Minor; Fresno County Department of Children and Family Services

Counsel having failed to request oral argument in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

F050681 In re Jessica R., a Minor; Fresno County Department of Children and Family Services v. John S.

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]